

## **AMENDMENTS TO THE CLAIMS**

This listing of claims will replace all prior versions and listings of claims in the application.

### **Listing of claims**

Claims 1-27 (Canceled)

28. (Currently amended) An apparatus for placement on a heart of a patient to treat a heart condition characterized at least in part by diastolic expansion of a size of the heart, the apparatus comprising:
  - (a) a pre-formed, cone-shaped jacket with a base and an apex;
    - (i) said base defining an opening sized to receive a heart;
    - (ii) said cone-shaped jacket being sized and adapted to constrain cardiac expansion during diastolic filling of the heart; and
  - (b) said jacket being sized and shaped to be applied over a pericardium of the heart.
29. (Previously presented) An apparatus according to claim 28 wherein:
  - (a) Said jacket comprises an elastic material.
30. (Previously presented) An apparatus according to claim 28 wherein:
  - (a) said jacket is sized to constrain diastolic expansion beyond a predetermined limit.
31. (Previously presented) An apparatus according to claim 28 wherein:
  - (a) said jacket comprises an open cell construction.
32. (Previously presented) An apparatus according to claim 28 wherein:

- (a) said jacket at least partially includes a shape-memory material.
33. (Previously presented) An apparatus according to claim 28 wherein:
- (a) said cone-shaped jacket is adapted to circumferentially surround a heart; and
  - (b) said jacket moves with expansion and contraction of a heart such that force on one portion of a heart is transmitted circumferentially through the cone-shaped jacket to another portion of the heart.
34. (Previously presented) An apparatus according to claim 28 wherein:
- (a) said jacket has a compliance lower than a compliance of a wall of the heart.
35. (Previously presented) An apparatus according to claim 28 wherein:
- (a) said jacket includes a bank around the heart.
36. (Previously presented) An apparatus according to claim 28 wherein:
- (a) said jacket comprises an inelastic material.